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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,708	11/11/2003	Eric C. Hayden	DP-309773	6391

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DELPHI TECHNOLOGIES, INC.  
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EXAMINER

EDELL, JOSEPH F

ART UNIT PAPER NUMBER

3636

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/705,708	<b>Applicant(s)</b> HAYDEN ET AL	
	<b>Examiner</b> Joseph F. Edell	<b>Art Unit</b> 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 3-7, 12 and 20-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 8-11 and 13-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 January 2006 has been entered.

### ***Election/Restrictions***

2. Newly submitted claims 12 and 20-24 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: drawn to non-elected Species II.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 12 and 20-24 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Priority***

3. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied

with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. [1] as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Application No. 60/447,489, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. The securing of the anchor frame to a frame of a vehicle seat, first and second tension sensors providing discrete output signal to the control unit, and the brackets extending through a juncture gap between back and bottom cushions.

### ***Drawings***

4. The drawings were received on 30 September 2005. These drawings are acceptable.

### ***Claim Objections***

5. Claim 1 is objected to because of the following informalities: "stradding" (line 9) - --straddling--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1, 2, and 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not recite or imply that the first and second tension sensors provide discrete output signals to the electronic control unit. Does a discrete output signal teach away from a signal in an impact sensor or a Hall sensor? In addition, the specification does not recite or imply that control unit is operative to generate a vehicle restraint actuation signal as a function of the occupant weight output signal and the tension sensor output signal. Specification sets forth that an occupant's weight may be sensed by pressure sensor 14. However, no integration or evaluation of the weight output signal and the tension sensor output signal in conjunction with one another has been recited. How do the two signals cooperate to form a single vehicle restraint actuation signal? What is this new actuation signal utilized to control as a function of occupant's weight?

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 2, 8, 10, 11, and 13-19, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,419,199 B1 to Skofljanec et al. in view of U.S. Patent No. 6,371,516 B1 to Miyagawa.

Skofljanec et al. disclose an apparatus that is basically the same as that recited in claims 1, 2, 8, 10, 11, and 13-19, as best understood, except that the apparatus lacks an anchor frame secured to a frame of the vehicle seat, as recited in the claims. See Figures 1-5b of Skofljance et al. for the teaching that the apparatus has first and second laterally spaced child seat anchor brackets 7 straddling a child seat in proximity a bottom cushion to tensively secure tethers 3, a frame extending across a lateral width dimension of a vehicle seat and secured to the vehicle seat, a first tension sensor 19 securing the first child seat anchor to a first end of the frame, and a second tension sensor 19 securing the second child seat anchor to a second end of the frame wherein the first and second tension sensors provide output signals to a electronic control unit, the first and second tension sensors each include a first portion rigidly secured to the frame and a second portion integral with a respective child seat anchor bracket, and the sensors provide an associated tension sensor output signal. Miyagawa shows an apparatus similar to that of Skofljanec et al. wherein the anchor brackets 22A (see Fig. 2) in a gap between back and bottom cushions and sensors 32 are secured to an

Art Unit: 3636

anchor frame 20 extending across a lateral width dimension of a vehicle seat and secured to a frame 16 (Fig. 1) of the vehicle sea, the anchor frame has surface contours (the C-shape) for enhanced stiffness, and the securing brackets of the anchor frame form pocket areas for receiving the brackets. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Skofljanec et al. such that the frame includes an anchor frame extending across a lateral width dimension of the vehicle seat and secured to a frame of the vehicle seat, and pocket area adjacent lateral ends of the anchor frame capable of securing the anchor frames wherein the brackets extend between a gap between back and bottom cushions, and the anchor frame defines contours therein, such as the apparatus disclosed in Miyagawa. One would have been motivated to make such a modification in view of the suggestion in Miyagawa that the anchor frame and vehicle seat frame provides a conventional ISO-FIX anchor connection.

Although the surface contour of Skofljanec et al., as modified, discloses a single depression, the duplication of parts for a multiplied effect has not patentable significance. Therefore, it would have been well within the purview and obvious to one of ordinary skill in the art at the time the invention was made to provide a plurality of laterally spaced depressions in the anchor frame for enhancing stiffness, as recited in claim 16.

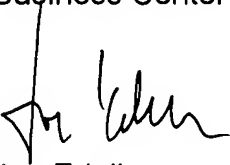
### ***Response to Arguments***

10. Applicant's arguments have been fully considered but they are not persuasive. Applicant's response filed 23 January 2006 does not contain Remarks regarding the applicability of the previously cited references utilized in rejecting claims 1 and 2. In the interest of furthering prosecution, Examiner will treat Applicant's Remarks of the non-compliant Amendment filed 30 September 2005 as being incorporated into the response filed 23 January 2006. Applicant's arguments with respect to claims 1 and 2 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joe Edell  
April 3, 2006